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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,381	02/18/2004	Massimo Bertinelli	944-003.217	3575

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EXAMINER

GHULAMALI, QUTBUDDIN

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/782,381	<b>Applicant(s)</b> BERTINELLI ET AL.	
	<b>Examiner</b> Qutub Ghulamali	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 1-34 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/20/04, 7/12/06</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

On page 2, line 13, after “obtained”, is a word “by” missing?

On page 2, line 23, after “typically have”, is a word “their” missing?

Appropriate correction is required.

### *Claim Objections*

2. Claims 4, 6, 8, 13, 17, 22, 27, 30, 32 are objected to because of the following informalities:

Claims 4, 6, 8, 22 recite “TFCI”, this acronym at first occurrence must be spelled out for example “Transport Format Combination Indicator (TFCI)”.

Claims 13, 27, recite “CRC”, this acronym at first occurrence must be spelled out, for example “Cyclic Redundant Check (CRC)”.

Claims 17, 30 recite “UE”, this acronym at first occurrence must be spelled out.  
Appropriate correction is required for example “User Equipment (UE)”.

Claim 32, line 3, the acronym “TFCI” need to be spelled out.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Kajala et al (USP 6,178,535).

Regarding claim 35, Kajala discloses a method for decreasing the error rate in data transmission comprising:

using both protected symbols for transmission over a protected channel and unprotected (not protected) symbols for transmission over an unprotected channel in providing error detection symbols for transmission over said protected channel (figs 1a, 2a; col. 3, lines 32-54; col. 6, lines 33-40, 4265); and

sending said error detection symbols along with said protected symbols on said protected channel and said unprotected symbols on said unprotected channel to a receiver (col. 6, lines 49-57; col. 7, lines 16-28).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajala et al (USP 6,178,535).

As per claim 36, Kajala discloses all limitations of the claim in a transmission system (col. 1, lines 5-12) above except mention means for providing error detection symbols over protected and unprotected channels. However, the steps claimed as apparatus is nothing more than restating the function of the specific components of the method as claimed above and therefore, it would have been obvious, considering the aforementioned rejection, to a person of ordinary skill in the art at the time the invention was made to transform the steps into means for achieving the desired results as taught by Kajala.

#### *Allowable Subject Matter*

7. Claims 1-34 would be allowable if rewritten or amended to overcome the claim objections, set forth in this Office action.

#### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**US Patents:**

US Patent 6,680,967 to Westman.

US Patent 7,016,430 to Grivna et al.

US Patent 4,715,045 to Lewis et al.

US Patent 6,697,629 to Grilli et al.

US Patent 6,801,580 to Kadous.

US Patent 7,012,883 to Jalali et al.

US Pub. 2002/0021682 to Ariyoshi et al.

US Patent 6,994,206 to Dent.

US Patent 7,027,518 to Mikkola et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014.

The examiner can normally be reached on Monday-Friday, 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG  
Examiner,  
AU-2611.  
September 29, 2006.

  
**MOHAMMED CHAYOUR**  
**SUPERVISORY PATENT EXAMINER**